

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOHN MORTIMER,  
Plaintiff,

vs.

GEORGE MACCALLUM and the  
SUFFOLK COUNTY  
SHERIFF'S DEPARTMENT  
Defendants

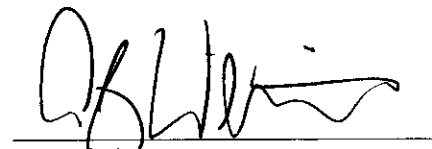
CIVIL ACTION No. 03-1244RCL

**DEFENDANT SUFFOLK COUNTY SHERIFF'S DEPARTMENT'S  
MOTION TO DISMISS COUNTS II AND III OF PLAINTIFF'S COMPLAINT  
PURSUANT TO FED.R.CIV.P. 12(b)(6)**

NOW comes the Defendant, Suffolk County Sheriff's Department, and submits its Motion to Dismiss Counts II and III of Plaintiff's complaint pursuant to Fed.R.Civ.P. 12(b)(6) for failure to state a claim upon which relief can be granted. As reasons therefore, Defendant relies on the attached Memorandum of Law.

Defendant respectfully requests a hearing on this matter.

Respectfully Submitted  
For Defendant  
Suffolk County Sheriff's Department  
By its attorney

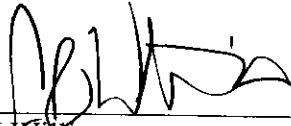


AJ Williamson  
BBO # 650027  
Assistant General Counsel  
Suffolk County Sheriff's Department  
200 Nashua Street  
Boston, MA 02114  
(617) 989-6651

Dated: 1/26/04

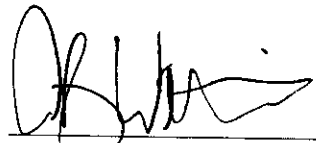
Certificate of Service

I, AJ Williamson, hereby certify that I have sent copy of the above Motion to Plaintiff's Counsel, Keith J. Nicholson, Robert A. George & Associates, 138 Newbury Street, Suite 3, Boston, MA 02116 by first class mail this 26<sup>th</sup> day of January, 2004.

  
\_\_\_\_\_  
AJ Williamson

Certificate of Compliance With Local Rule 7.1(A)(2)

Counsel for the Defendant Suffolk County Sheriff's Department hereby certifies pursuant to Local Rule 7.1 that he has conferred with counsel for the Plaintiff and that he has attempted in good faith to resolve and narrow the issues in the above Motion To Dismiss.

  
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AJ Williamson